

# HOUSE BILL No. 1395

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19-11.

**Synopsis:** Booster seats in motor vehicles. Removes a provision requiring a child at least four and less than eight years of age to be restrained by a child restraint system. Makes it a Class D infraction if a child less than eight years of age is not restrained by a child restraint system or a safety belt.

**Effective:** July 1, 2005.

---

---

**Stutzman**

---

---

January 13, 2005, read first time and referred to Committee on Roads and Transportation.

---

---

C  
o  
p  
y



Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1395

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-19-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person who:

(1) holds an Indiana driver's license; and

(2) operates a motor vehicle in which there is:

(A) a child less than ~~eight (8)~~ **four (4)** years of age who is not properly fastened and restrained according to the child restraint system manufacturer's instructions by a child restraint system; **or**

(B) a child at least **four (4)** years of age and less than **eight (8)** years of age who is not properly fastened and restrained:

(i) according to the child restraint system manufacturer's instructions by a child restraint system; **or**

(ii) by a safety belt;

commits a Class D infraction, unless it is reasonably determined that the child **described in subdivision (2)(A)** will not fit in a child

2005

IN 1395—LS 7239/DI 106+



C  
o  
p  
y

1 ~~passenger~~ restraint system.

2 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments  
3 for violations under this section shall be deposited in the child restraint  
4 system account established by section 9 of this chapter.

5 SECTION 2. IC 9-19-11-3 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person who  
7 holds an Indiana driver's license and operates a motor vehicle in which  
8 there is a child commits a Class D infraction if:

9 (1) the child is less than ~~eight (8)~~ **four (4)** years of age and it is  
10 reasonably determined that the child will not fit in a child restraint  
11 system; and

12 (2) the child is not properly fastened and restrained according to  
13 the child restraint system manufacturer's instructions by a:

14 (A) child restraint system; or

15 (B) safety belt.

16 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments  
17 for violations under this section shall be deposited in the child restraint  
18 system account established by section 9 of this chapter.

**C**  
**O**  
**P**  
**Y**

